

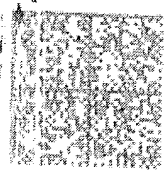
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U. S. DEPARTMENT OF COMMERCE  
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WASHINGTON, DC 20231

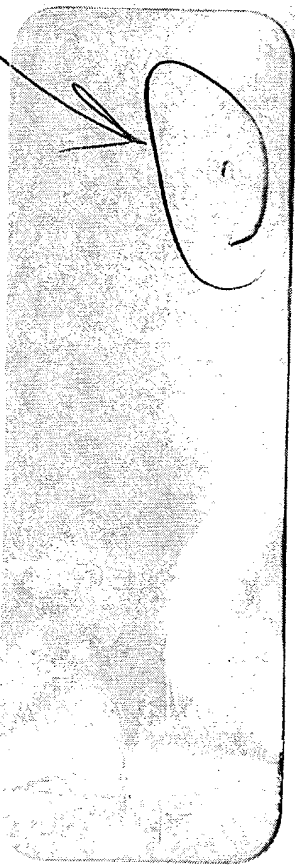
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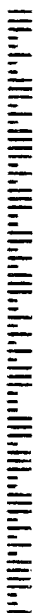
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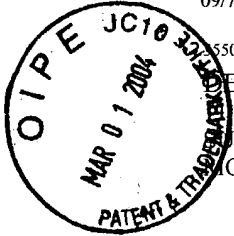
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# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/774,346      | 01/31/2001  | Suggy S. Chrai       | 176650-96           | 2597             |



5509 7590 01/02/2004  
ELSYS PHARMACEUTICAL CORPORATION  
DEER PARK DRIVE  
SUITE 118  
MONTMOUTH JUNCTION, NJ 08852

**RECEIVED**  
**MAR 02 2004**

EXAMINER

GEORGE, KONATA M

ART UNIT PAPER NUMBER

1616

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



7475 Lusk Boulevard  
San Diego, CA 92121  
T (858) 457 2553 F (858) 457 2555

February 23, 2004

US Dept. of Commerce  
Patent and Trademark Office  
Washington, DC 20231  
Organization: TC1600 CMI

Re: Delsys Pharmaceutical Corporation

Dear US Dept. of Commerce:

Please be advised that Sarnoff Corporation is the successor in interest to Delsys Pharmaceutical Corporation in place of Elan Pharmaceuticals, Inc. As such, this correspondence is being returned to you.

Please direct all future correspondence to:

William J. Burke, PhD  
Vice President, Law & IP Operations  
Sarnoff Corporation  
201 Washington Road  
Princeton, NJ 08540  
Phone: (609) 734-2560  
Fax: (609) 734-2673

Thank you very much for your assistance. Should you have any questions, please call Richard Hake at (858) 202-7948.

Sincerely,

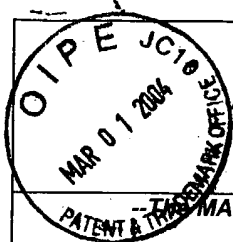
Carla Fairchild, Assistant to  
Richard Hake  
Director, Intellectual Property  
Elan Pharmaceuticals, Inc.

Enclosure

cc: William J. Burke, VP, Sarnoff Corp.

BIOPHARMACEUTICALS

Elan Pharmaceuticals, Inc.  
a member of the the Elan C

**Advisory Action**

Application No.

09/774,346

Applicant(s)

CHRAI ET AL.

**RECEIVED**

Examiner

Konata M. George

Art Unit

1616

**MAR 02 2004**

-- THE MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on December 5, 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

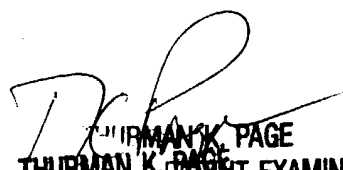
Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 5. does NOT place the application in condition for allowance because: While the prior art does not prefer to utilize the "spot deposited" method it is taught by the prior art as a method that can be employed in the production of the pharmaceutical unit dosage form. Therefore, it is the position of the examiner that the prior art teaches the claimed invention.

  
THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600